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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SORRELL, ERON J

ART UNIT PAPER NUMBER

2182

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/838,141

Applicant(s)

SUORSA ET AL.

Examiner

Eron J. Sorrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-8,10-13 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-8,10-13 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Election/Restrictions*

1. Newly submitted claims 19-25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: originally filed independent claim 1 is directed toward a method for automated provisioning of computer networks comprising: receiving a command to be executed on a device related to a specific customer, reading parameters from a database, determining the command can be executed based on the parameters read, and executing the command based on the determination that the command can be executed. Newly submitted independent claims 19 and 21 are directed toward a method for automated provisioning comprising: storing a model of software components for devices associated with a customer account, receiving a request to load a software component, determining if the software component is consistent with the model, and providing the software component to the device based on the determined consistency. The originally filed claims have no limitations requiring storing a *model of software components* and making *comparisons against the model*, instead the originally filed claims comprise limitations requiring *storing of parameters* (defined in the instant specification as comprising configuration data, settings, and address at paragraph 14 of

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page 6) and making *comparisons against the parameters* (emphasis added).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,4,5,8,10, and 11, are rejected under 35 U.S.C. 102(e) as being anticipated by Bahlmann (U.S. Patent No. 6,546,392).

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4. Referring to claim 1, Bahlmann teaches a method for automated provisioning of computer networks comprising a plurality of customer accounts, wherein the customer accounts relate to specific customer hardware devices contained on the network, and specific customer software applications deployed by way of the computer network, comprising the steps of:

receiving at least one command to be executed on a network device related to a specific customer account (see lines 34-63 of column 10);

reading parameters from a network database related to said customer account (see lines 34-63 of column 10, wherein Bahlmann teaches checking a "user level," and lines 43-58 of column 7, wherein Bahlmann teaches the user level is stored in a user record database);

determining whether the at least one command can be properly executed based upon the parameters read (see lines 34-63 of column 10); and

executing the at least one command only if it is determined that the at least one command can be properly executed (see lines 34-63 of column 10).

5. Referring to claim 2, Bahlmann teaches the command is executed by a network agent of the network device (see paragraph

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bridging columns 10 and 11; note the network device has means for sending, receiving and executing commands).

6. Referring to claims 4 and 5, Bahlmann teaches the agent provides information needed to execute the command for comparison with parameters read from the network database and determination that a command can be properly executed is only made if the information needed to execute the command matches the parameters read from the network database (see lines 34-63 of column 10 and lines 43-58 of column 7).

7. Referring to claim 8, Bahlmann teaches the step of determining is based upon reading software configuration requirements (see lines 34-63 of column 10; note the IP address is verified during the determining step).

8. Referring to claim 10, Bahlmann teaches the software configuration requirements indicate that the at least one command is a customer specific command (see lines 5-28 of column 6; note that once a user has logged on, all of the commands processed subsequent to the login are customer specific).

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9. Referring to claim 11, Bahlmann the step of determining comprises determining whether the customer to which the software configuration requirement is specific is the same customer to which the network device is related (see lines 29-41 of column 6; note a comparison is made on the MAC address of the device).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6,7,17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlmann in view of Gonda et al. (U.S. Patent No. 6,662,221 hereinafter "Gonda").

12. Referring to claims 6 and 7, Bahlmann fails to teach receiving a message that at least one command is to be executed from a secure provisioning network, verifying the validity of the message by requesting verification from the secure provisioning network, wherein the separate verifying is

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accomplished by way of a communication gateway of the provisioning network.

Gonda teaches, in an analogous method, the above limitations (see lines 22-47 of column 4).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention to modify the method of Bahlmann with the above teachings of Gonda. One of ordinary skill in the art would have been motivated to make such modification in order to provide extra security the data being transmitted as suggested by Gonda (see lines 44-47 of column 4).

13. Referring to claims 17 and 18, Bahlmann fails to teach that each customer is assigned to an individual virtual local area network (VLAN), wherein the one or more software package installed only if the network device resides on the VLAN of the customer to which the one or more software packages relate.

Gonda teaches, in an analogous method, the above limitations (see lines 48-54 of column 4 and lines 40-67 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention modify the method of Bahlmann with the above teachings of Gonda. One ordinary skill in the art would have been motivated to make such



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modification in order to provide vendor-independence, and/or full flow-through automation of configuration management tasks as suggested by Gonda (see lines 49-59 column 4).

14. Claims 12,13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlmann in view of Hayko et al. (U.S. Pub No. 2002/0095522 hereinafter "Hayko").

15. Referring to claim 12, Bahlmann fails to teach the step of executing comprises installing one or more software packages.

Hayko teaches in an analogous system the above limitation (see paragraphs 32 and 33 on page 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Bahlmann with the above teachings of Hayko. One of ordinary skill in the art would have been motivated to make such modification in order to facilitate the upgrade of applications on the network device as suggested by Hayko (see paragraphs 32 and 33).

16. Referring to claim 13, Hayko teaches the step of determining comprises determining whether the one or more software packages relates to a specific customer (see paragraph

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31; note the client selects which application is installed, thus the application selected is related to the specific customer making the selection).

17. Referring to claim 16, Bahlmann teaches that commands are only executed if it is determined that the network device upon which the command is to be executed is associated with the customer to which the command relates (see Bahlmann, lines 29-41 of column 6). Hayko adds the teaching of the step of executing the command comprises installing an application (see Hayko, paragraph 32 and 33 of page 3).

### ***Response to Arguments***

18. Applicant's arguments with respect to claims 1,6,7,17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS  
April 21, 2005



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